Family Matters

Quarterly News & Information About Kentucky's Family Courts

December 2001

THIS ISSUE

A Judge's Perspective

I recently received in the mail a poll regarding the Family Court Amendment that will be on the November 2002 ballot. I was asked to note whether I was for or against the measure. As family court judge in Floyd, Knott and Magoffin counties, clearly I noted that I was for the amendment! But this in not merely a case of self-preservation. I was elected in November 1999 as a circuit judge. Regardless of the outcome of the amendment, I will remain a circuit judge.

What this is *is* a matter of improving the court system for families in the Commonwealth of Kentucky. I speak as a family court judge in rural Kentucky. While the problems in our families may be similar to those in the more metropolitan areas of our Commonwealth (drugs, alcohol, single parent families, grandparents raising grandchildren), our resources differ significantly.

First of all, let me address what family court is in Kentucky. Family courts have jurisdiction over District and Circuit court cases. The cases before family court include, but are not limited to the following:

District Court: juvenile status; juvenile dependency, neglect and abuse; paternity; domestic violence;

Circuit Court: adoption; termination of parental rights; custody and visitation; child support; maintenance; dissolution of marriage.

The intent of the combination of these jurisdictions allows one court to hear all matters involving one family; "One family, one court, one judge."

Can this work? As a rural family court judge, the answer is "yes" and it works well.

It has been my experience as a practitioner and now as a judge that when families are going through stressful times, they will most likely end up in more than one court: divorce; juvenile status; dependency, abuse and neglect; domestic violence. These courts all can make decisions on the placement and custody of children as well as enter orders as to child support and visitation. In the traditional court system, a family can likely end up before two or more different judges and likely receive two or more different decisions. In the family court situation, regardless

of the action, the family is before the same judge that can issue orders in all pending cases to help ensure that the orders work together. This results in less stress for families. Families know they will be able to bring actions only before one court and one judge. In this way, the courts cannot be played against each other to bring about conflicting orders. Families have some security in knowing in which court they will be. One judge knows (or has the ability to be aware) of all actions in which this family is involved.

Another benefit through family court is the advisory council which is established by each court. This council is made up of committees to address concerns within the community. To me it is a way in which the community can be involved with family court and in which family court can reach out to the community.

In my counties, the committees in the councils have addressed drugs and alcohol and the effects on our families; dependency, neglect and abuse education and awareness; concerns with truancy; counseling; mediation and establishing and maintaining the children's waiting room. (The children's waiting room is a place in the courthouse where children involved in court actions can be so that they do not have to be in the courtroom while their cases are being heard and decided. As well, children brought to domestic violence court and divorce court can be in the playroom instead of the courtroom listening to the testimony of the animosity between their parents.)

The counseling committees have been of great assistance in that they have identified the resources available in our communities and have worked to establish resources needed (as an example: counseling for children who have witnessed domestic violence; in one county creating a branch office to supply domestic violence offender counseling there). They have created leaflets listing resources in each area such as food pantries, clothes closets, safe houses, medical providers, etc.

The dependency, neglect, abuse committee in one county has produced a film to inform the general public how, when and why to report suspected abuse of children. This film is not only available for groups, schools and medical agencies, but is also being shown on our local access cable television station. This group worked closely in establishing a "Big Brothers, Big Sisters" organization in our area and is currently involved in setting up CASA (Court Appointed Special Advocates).

The truancy committees are currently working with me to establish truancy courts in our middle schools: to address those children at risk of becoming habitual truants prior to court action being taken.

Some of my colleagues have mentioned that having a family court in their community has had a positive effect on the community as a whole. In the counties in which my jurisdiction extends, there has been no shortage of people interested and involved in family court advisory councils we have established. Various civic and church groups, as well as individuals have asked how they can help. In the children's waiting room established by the advisory council, furniture, bookcases and toy boxes, a television and VCR have been donated. Toys, games and books continue to be donated. Sewing groups have made and donated quilts and teddy bears for children who are removed from their homes because of dependency, neglect or abuse.

In a small community, I often see families from my court at Wal-Mart, McDonald's, the grocery store, soccer field, dance studio or park. This interaction allows them to see me as other than a judge; as someone with interests and concerns similar to their own. They see my children - which can be a little disconcerting! - and realize that I have the same responsibilities with my children as they do with theirs. I believe this has resulted in a positive effect in that they realize that my concern is for their family to be healthy and safe. This works similarly with the juveniles that appear before me with status offenses. They take great pride when they see me out and are 'being good" or haven't appeared in my court for some time. They will call out to me or come over to see me. They even refer to me as "their judge" to their friends. I know this is not isolated to me and my court because I hear this from the other rural family court judges.

In short, family court has been - and is - an asset for the communities in which it has been established. Families with problems are provided with their own court and their cases are brought to the forefront rather than mixed in with property, tort, contracts and other civil cases. As a family court judge, I can concentrate on families and how to better help them while they are going through the court process. Yes, this is a court of law and not a social service agency. But in offering assistance to these families through counseling and resources in our communities, we hopefully are having a rehabilitative effect: allowing families to help and to heal themselves instead of continued and repeated trips to the courthouse.

FAMILY COURT SITE UPDATES

CHRISTIAN...

James Bailey
Court Administrator

- Every year the Hopkinsville Business and Professional Women's Club hosts an annual awards banquet honoring women who have achieved in educational goals, excelled professionally and contribute to their community through active service. On October 18, 2001, **Judge Judy Hall** was awarded the Woman of Achievement Award. Congratulations Judge Hall!
- In October, we welcomed a new staff member, **Kathryn Baillie**, as Law Clerk. Kathryn is from Colorado Springs, Colorado. Kathryn graduated from Arizona State University in Tempe, Arizona with a B.A. in Political Science. Shes also graduated from the Regent University School of Law with a J.D., where she was editor and chief of the *Class Action Publication*. She was a member and officer on the Alternative Dispute Resolution board and the Trial Advocacy board.

CLARK/MADISON...

Donna Barney
Court Administrator

- In October, **Judge Jean Logue** was given the *Outstanding Judge Award* at the 16th Annual Kentucky Citizens Foster Care Review Board's Fall Conference.
- On December 4th, 2001 Judge Logue swore in the first Court Appointed Special Advocates (CASA) volunteers for Clark county. CASA has been in Madison county since 1997.
- **Ed McCurey** has been accepting donations from members of the First Christian Church in Berea to purchase Beanie Buddies. The Beanie Buddies will be given to children who come to Family Court for dependency, abuse and neglect and adoptions.
- During October, Domestic Violence Awareness month, banners were on display in English and Spanish in Clark and Madison counties reading *"No Excuse for Abuse"*. Currently, the Domestic Violence committee is collecting old cell phones to be given to domestic violence victims. Donated phones need to include the battery and charger. The phones are programed only for 911 emergency calls. Phones may be donated by calling Donna Barney at (859) 625-0601

FLOYD/KNOTT/MAGOFFIN...

Dovie Damron
Court Administrator

- Our Family Court has been very busy the last six months, adding Knott and Magoffin counties to the court docket in March. An Advisory Council has been established in each of the counties and committees have been formed to address the needs of each.
- In August, **Judge Julie Paxton** served with three others from Kentucky at the Southeast Regional Forum in Atlanta, Georgia on improving outcomes for children and families affected by domestic violence and child maltreatment.
- Our Dependency, Neglect and Abuse Committee has produced a 20 minute educational video for public awareness of child abuse and neglect. The video will be offered to employers in public service and schools.

JEFFERSON...

Jim Birmingham
Court Administrator

- The **Honorable Kevin L. Garvey** was elected Chief Judge of the Jefferson Family Court effective January 1, 2002. He replaces the Honorable Patricia Walker FitzGerald. Judge Garvey graduated from the University of Louisville's Brandeis School of Law in 1979 and was elected to the Jefferson District Court bench in 1981. Judge Garvey began serving in Jefferson Family Court in January of 1999. Judge Garvey brings a wealth of expertise to being chief judge, as he was elected by his peers to serve as the Chief Judge of Jefferson District Court in 1996 and 1997. Judge Garvey is extremely involved with high school youth in the community.
- **Mary Lou Cambron**, Family Court Support Worker, was recognized as the Member of the Year in 2001 for her work with the Jefferson Regions Citizens Review Panel. Ms. Cambron was honored by the Kentucky Citizens Review Panels and The House of Representatives of the Commonwealth of Kentucky. The Jefferson Citizens Review Panel, is one of three such panels in Kentucky implemented as part of the Child Abuse and Prevention Treatment Act.

What's in a Name?

A Look at Kentucky Law: Surnames After Divorce

Robin G. Fisher, J.D.
Family Court Specialist

From the time babies are just a few months old, they begin to understand that people have names. They associate "Da Da" and "Ma Ma" with certain people in their life and they understand that asking for a person by name usually gets a favorable response. Babies also learn that they have a name and will respond to hearing their name. People take pride in their name and are often offended if it is mispronounced or misspelled. Our society holds in prestige engraved letterhead and jewelry, and monogrammed shirts, sweaters and even bath towels! Names define a person and familial lines of heritage, and often add status.

The term "surname" has French and Latin origins - - the French word "surnom," meaning above or beyond, and the Latin word "nomen," meaning name. Surnames derived from the maternal line are referred to as matronymics, while those derived from the paternal line are patronymics. Some surnames are derived from places or occupations. Names from Western societies ordinarily express relationship or kinship, but not necessarily paternity. The customs and history of Western society reflect great variances in naming practices. Perhaps cultural history explains Kentucky's recognition of the common law right of any person to informally change their name by public declaration.

Kentucky Revised Statutes Chapter 401 details the statutory procedure for changing one's name. Chapter 401 is designed to create a permanent record of name changes; however, it is not designed to nullify the common law. Any person, even a minor, may exercise the *common law right* to change their own name. However, KRS 401 does not give children a *statutory right* to change their name. Statutory rights to name changes are limited to, and vested in, the child's parents, as held by the Kentucky Court of Appeals in *Burke v. Hammonds*.[1]

> ~~Both parents, provided~~ both are living, or one parent if one is deceased, or if no parent is living, the guardian, may have the name of a child under the age of eighteen changed by the District Court of the county in which the child resides. However, if one parent refuses or is unavailable to execute the petition, proper notice of filing the petition shall be served in accordance with the Rules of Civil Procedure.
>
> -Kentucky Revised Statute 401.020

The differences between the common law rights and the statutory rights result in different legal effects. Under the common law public declaration of name change, a person can become "known" by their new surname; however, the legal authority for an official change of name falls under the statutes. Here, we are specifically looking at the circumstances of changing the surname of minor children after a dissolution of the marriage of the child's parents.

With the statutory right of name change vested in the child's parents, what happens if the parents divorce? Does the custodial parent retain the statutory right while the non-custodial parent loses the statutory right? What standards are to be applied in deciding this issue when it is contested? A look at Kentucky case law will help determine the answer to those questions.

In 1990, the Supreme Court reviewed *Likins v. Logsdon*, in which a dispute arose over the divorced father's right to oppose legal proceedings initiated by his former wife who sought to change the surnames of their children to that of the children's step-father.[2] The mother argued that the two minor children had, for all unofficial purposes, used their step-father's surname for the past five years. Yet, on all official records they were under Circuit Court order to use their birth-father's surname. The mother argued that the current situation caused "confusion and embarrassment to the infants."[3]

The District Court accepted the mother's argument, finding that the children were "adament in their demand to be known as Logsdons" and "to continue to mandate that their official records use the name Likins serves

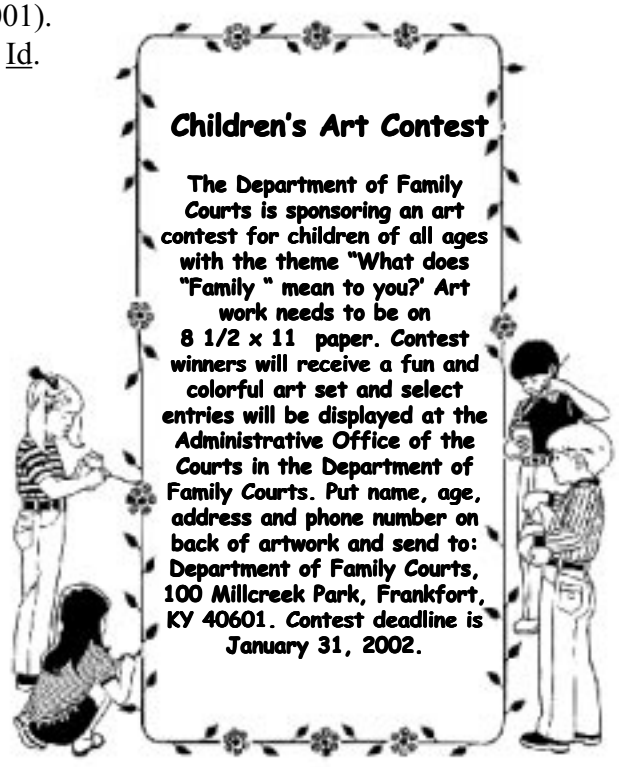
only to cause confusion and turmoil."[4] However, the Circuit Court reversed the trial court, and held that the best interest of the children should be the ultimate test. The Circuit Court also found that to meet the "best interest test," clear and convincing proof must be shown that a name change would best meet the overall interests of the child. The Circuit Court looked to the *Burke* case and the precedent set in 1979, which held, higher burdens of proof are believed necessary in order to balance a natural father's protectable right to have his children bear his name.[5] The Circuit Court "concluded the proof was far short of clear and convincing."[6]

In the Supreme Court's review of *Likins*, the majority held that the evidence was, in fact, insufficient to justify a name change. The Supreme Court continued, holding the birth father's protectable interest is " not forfeited on insubstantial grounds." [7] Further, substantial reasons "do not include mere inconvenience and the desires of a child generating from the hostility of a custodial parent."[8] The Supreme Court refused to allow the custodial mother to change the minor children's surname from that of their birth-father. Thus, the Court's holding requires the petitioning parent to present "objective and substantial evidence of just cause and significant detriment" to the child before allowing a name change.[9]

In September 2001, the Kentucky Court of Appeals heard a similar case, *Leadingham v. Smith*, where a minor child expressed a desire to have both her father's surname and her, recently remarried, mother's new surname. However, the desire of the minor child "did not establish the kind of substantial evidence of just cause and significant detriment to the child required to change her name over her father's objection."[10] This decision took the rights of the birth father one step further. The Court of Appeals pointed out that the Supreme Court, in *Likins*, clearly established the circumstances under which a surname could be changed; "[t]he fact that the proposed name would include the father's surname did not exempt it from the grounds established by the supreme court. The father had the right to have the child bear his name to the exclusion of all others."[11] The Court concludes that a modification of a surname to a hyphenated surname, which includes the original surname, is nonetheless a name change which is regulated by KRS Chapter 401 and Kentucky caselaw precedent.

It will be interesting to watch cultural trends develop over the next several years. With more and more women choosing to retain their maiden names or choosing hyphenated surnames upon marriage, we may see a new era of naming practices. Will we see a trend of matronymic naming? If so, would the children take hyphenated names? Will 21st Century fathers hold to case precedent and seek exclusive naming trends? Or, will our monogrammed bath towels begin to take the flair of alphabet soup?

[1] Burke v. Hammonds, 586 S.W.2d 307, 308 (Ky. App., 1979).
[2] Likins v. Logsdon, 793 S.W.2d 118 (Ky. 1990).
[3] Id. at 119.
[4] Id. at 120.
[5] Burke, 586 S.W.2d at 307.
[6] Likins, 793 S.W.2d at 120.
[7] Id. at 122.
[8] Id.
[9] Id.
[10] Leadingham v. Smith, 56 S.W.3d 420 (Ky. App. 2001).
[11] Id.



Separation Agreements

Kyle Deskins,Law Clerk
Pike Family Court

Separation agreements, or property settlement agreements, are, by definition, voluntary. As with contracts it is a manifestation of a willingness of two parties to enter into an agreement, reduce that agreement to a writing, and to be bound by its terms. The terms of the separation agreements must not be unconscionable, Shraberg v. Shraberg, 939 SW(2d) 330 (Ky 1997), however that does not mean that the parties cannot enter into "bad bargains" Burke v. Sexton, 814 SW(2d) 290 (Ky App. 1991). The rationale behind this is the same as contract law, one side wants something and is willing to make concessions to get it. Therefore the party entered into the contract knowing of the "bargain" and accepted it.

The unconscionability test set forth in Shraberg is that in order to set the agreement aside it must be "manifestly unfair and unreasonable". While this is not the only means of setting aside a property settlement agreement it is the only one without raising an affirmative defense to the agreement.

One method of setting aside a property settlement is undue influence. Although this is reminiscent of contract law there is a distinct difference. In contract law the undue influence is usually through a close relationship which can influence a party's willingness to enter into a contract. Most likely, undue influence in these cases is a result of physical violence or the threat of physical violence. But the amount of consideration is always an issue.

Another method is showing that a property settlement should be set aside if it does not make a full disclosure of the assets of the marriage. An example of this would be a husband's representation that a marital corporation had no value Rupley v. Rupley, 776 SW(2d) 849 (Ky. App. 1989). This is not to say that litigants do not have an opportunity to discover assets or to seek counsel regarding these agreements Adkins v. Jones, 264 SW(2d) 265, (Ky. 1954).

If there is no dispute regarding the property settlement agreement, then it can be a remarkable asset for the parties as well as the court. A property settlement agreement can drastically reduce the length of time necessary for the divorce process. A property settlement agreement coupled with an entry of appearance and waiver of notice of future proceedings translates into a case than can be settled as soon as the statutory time requirements are met. To further streamline the process a deposition for the jurisdictional testimony can be used and the parties may never even see the inside of the court room. From the court's view, a case filed with it's petition, property settlement agreement, entry of appearance and waiver of notice of future proceedings, and a deposition of the movant seeking a decree of dissolution of marriage, open for review by the court. The court can then make its findings of fact, conclusions of law, and final decree of dissolution of marriage all during times when the court is not in session. Alternatively, if the court requires the testimony of one or both of the parties a short five minute hearing could be held confirming the property settlement agreement and the testimony of the parties regarding jurisdiction and irreconcilable differences.

From an attorney's standpoint, an efficient staff well versed in the above process can facilitate the necessary paperwork and interview process. This would free up valuable time that the attorney devotes to many such hearings. This would result in increased productivity for the attorney's firm as well as making the process more cost efficient.

This is one tool that we use in the Pike Family Court which allows us to finalize between four and ten divorces per week. Property settlement agreements and other procedures in place have allowed us to give quicker hearing dates in cases. Motions filed in cases are heard between two and four weeks after filing and contested hearings are set usually within sixty to seventy days. More importantly this is all done without using domestic relations commissioners.

From the Manager....

It hardly seems possible that the pilot family court project celebrated its 10 year anniversary in 2001, and that we have grown as a system to include eleven family court projects over a nineteen county area. In the last three years, our growth has been nothing short of phenomenal and we have celebrated many successes in each of our individual courts. We continue to make improvements to enhance the lives of the Commonwealth families. So what's on tap for the next year?

2002 marks an important time for the family court system in Kentucky. As you are aware, in order for our projects to work effectively, family court operates as a hybrid of both Circuit and District Courts. From the Circuit Court, family court jurisdiction includes: dissolution of marriage, child custody, support and visitation, and adoption and termination of parental rights. From the District Court, family court jurisdiction includes: domestic violence, juvenile status offenses, truancy and beyond control, paternity, and dependency, neglect and abuse cases. For a judge to hear both Circuit and District cases, he or she must be assigned by the Chief Justice to sit in both courts. The Kentucky Constitution allows the Chief Justice to assign any judge to sit in any court, but only temporarily. It is the belief of many that the assignments made to family court projects (now dating back to 1991) may be beyond "temporary". The Kentucky Supreme Court addressed this specific issue in 1994 in *Kuprion v. FitzGerald,* Ky., 888 S.W.2d. 679 (1994). Although the Court upheld the temporary assignments, it stated, "There remains a vexing concern about how long the temporary appointments can be used to implement the Family Court project...future litigation as to the length of the project is not necessarily foreclosed by our decision here." *Kuprion,* Ky., 888 S.W. 2d at 686.

An amendment is proposed which will allow the Supreme Court to designate divisions of Circuit Court within a judicial circuit as family court divisions. This amendment would be submitted to the voters of the Commonwealth for their ratification or rejection according to state constitutional provisions. Specifically, the proposed language states, " [t]he Supreme Court may designate one or more divisions of a Circuit Court within a judicial circuit as a family court division. A Circuit Court division so designated shall retain the general jurisdiction of the Circuit Court and shall have additional jurisdiction as may be provided by the General Assembly."

On November 5, 2002, Kentuckians will be asked to vote to amend the Kentucky Constitution to allow the Supreme Court to designate Family Courts. Passage of the Constitutional Amendment would give all Kentuckians a more effective and efficient day in court, by allowing the judges of circuit, district and family courts to give cases before them prompt and proper attention, without the fear of duplication of efforts in family matters. Family Courts could continue to work with their communities in establishing improved responses to protecting the needs of children and families. Family Courts would be permanently established within the Commonwealth, losing their "project" status, and could continue to operate successfully without jeopardy from a legal challenge

If you have any questions regarding the family court projects or the constitutional amendment and its impact, please contact me. I'm looking forward to a wonderful year in 2002!

Carla Kreitman

Manager, Department of Family Courts

Eva Katherine Kreitman

7lbs 4oz

Born December 19, 2001

Proud parents - Michael & Carla Kreitman

UPCOMING EVENTS

Oldham/Henry/Trimble ..... Jan. 1, 2002 start up date

Legislative Session ..... Jan. 8, 2002

Family Court Conference ... June 5-7, 2002

GUIDELINES FOR ATTORNEYS REPRESENTING CHILDREN IN DEPENDENCY CASES PART II of II

This is the second in a two part series which will discuss Guidelines for attorneys representing children in dependency cases.

III. HEARINGS

Note: All attorneys should be aware of the statutory requirements regarding time limits and continuances. They should also inquire into local hearing practices.

A. JURISDICTION HEARING

1. Adjudication without trial:
   a. If the attorney concludes, after full investigation and preparation, that the petition will probably be sustained, the attorney should so advise client and request consent to discuss settlement of case, if appropriate;
   b. The attorney should keep the client advised of all settlement discussions and communicate all proposals made by other parties, when appropriate;
   c. Where client's participation is psychiatric, medical or other diagnostic treatment program is significant in obtaining client's desired result, the attorney should so advise client; and,
   d. The attorney should explore options to removal of child such as informal supervision, mediation, and intensive in-home services.

2. Where circumstances warrant, the attorney should promptly make any motions material to the protection of the clients rights, such as motions to dismiss the petition, to suppress evidence, or for mental examination. Such motions should ordinarily be in writing and should be scheduled for hearing prior to the jurisdiction hearing.

3. Contested Jurisdiction Hearing:
   a. Present all evidence relevant to the allegations in the petition obtained during the attorney's pretrial investigation; and,
   b. Attorneys should be familiar with those statutes that deal with children as witnesses.

B. DISPOSITION HEARING

1. The attorney should be familiar with dispositional alternatives and community services that might be useful in the formation of a dispositional plan.

2. The attorney should investigate all sources of evidence that will be represented at the hearing and interview material witnesses. The attorney also has an independent duty to

investigate the client's circumstances, including such factors as previous history, family relations, economic condition and any information relevant to disposition.

3. The attorney appropriate should seek to secure the assistance of psychiatric, psychological, medical or other expert personnel needed for purposes of evaluation, consultation or testimony with respect to formation of a dispositional plan. The attorney should inquire into local procedures for retention and appointment of experts.

4. Counseling of client prior to disposition, when appropriate:
   a. The attorney should explain to the client the nature of the hearing, the issues involved, and the alternatives open to the court. He should also explain fully he nature, obligations and consequences of any proposed dispositional plan; and,
   b. When psychological or psychiatric evaluations are ordered or arranged by the attorney prior to disposition, the attorney should explain the nature of the procedure and encourage the client's cooperation.

5. The attorney should examine fully any witness whose evidence is damaging to the client's interests and challenge the accuracy, credibility and weight of any reports or other evidence before the court.

6. When a dispositional decision has been reached, it is the attorney's duty to explain the nature, obligations and consequences of the disposition to the client, and the need for the client to cooperate with the dispositional orders.

C. <u>REVIEW HEARINGS</u>

1. Planning for the hearing:

   a. All attorneys should confer periodically with their clients and the social worker and review:
      i. Service plan;
      ii. Extent of compliance with plan; and,
      iii. Continued appropriateness of plan.

   b. In monitoring the provisions of dispositional services, the attorney should return the matter to court if necessary to protect the client's interest; and,

   c. Attorneys should make sure they receive a supplemental report and a notice of the hearing from the social worker or probation officer 10 calendar days before the hearings.

2. At all review hearings, attorneys for all parties should present evidence relevant to the appropriateness of the child's continued dependency and placement, including but not limited to, evidence regarding the provision of reasonable services and ensure that appropriate findings are made.

IV. SPECIAL CONSIDERATIONS FOR ATTORNEYS APPEARING IN DEPENDENCY ACTIONS

A. GENERAL

All attorneys appearing in dependency actions have the same general mandate: to vigorously represent client's interests within applicable legal and ethical boundaries. This includes:

* investigate the allegations
* advising client of risks and benefits of possible sources of action
* determining clients' interest
* representing those interests vigorously to the Court and other parties

The attorney must first and foremost, strive to acquire and develop basic advocacy skills such as client interviewing, case investigation, negotiation and trial practice.

B. ATTORNEYS FOR CHILDREN

1. Communication skill/knowledge of child development: Communicating with child clients for whatever purpose and especially with regard to legal matters may require efforts beyond those normally required for effective communications with adult clients. Attorneys for children should therefore be especially sensitive to the child's background and stage of development will help the attorney develop that sensitivity and age-appropriate communication skills. Effective establishment of any meaningful attorney-client relationship. Knowledge of child development will also help the attorney to assess the need to seek expert assistance in a particular case and to understand the clinical evaluations that are so often a factor in dependency cases.

2. Investigation:
   The attorney for the child has the same ethical duties as attorneys for the other parties to independently investigate the facts and conduct discovery (see previous section on INVESTIGATION). In many cases a child will be especially concerned with issues regarding his or her placement. The child's attorney should investigate as many placement alternatives as possibly appropriate to the child's situation and discuss these possibilities with the child. Knowledge of community and other resources independent of the child's social worker will be helpful in this regard.

3. Litigation practice and strategy:
   Again, the child's attorneys has the same rights and duties as other attorneys to prepare and conduct litigation in the futherance of the child's interests. Knowledge of the substance and procedure of dependency actions is of course important for all attorneys. The child's attorney should be especially aware of statutory or case law that pertains particularly to children who are the subject of dependency actions or their attorneys.

Rural Family Courts in Kentucky: Lessons Learned - A Study in Implementation and Guide for Court Administration

We are delighted to announce that the handbook project has been completed and is ready for distribution. This publication was developed by the Department of Family Courts, Kentucky Administrative Office of the Courts and made possible under Grant Award SJI-00-N-043 from the State Justice Institute. It is our hope this publication will be a useful resource to other courts in their design and development of a court exclusively devoted to protecting families and children.

We would like to thank the State Justice Institute for making this manual possible. We are also grateful for the hard work of our family court sites and all who contributed their time and efforts to its successful completion.

Please direct any inquiries regarding Kentucky's Family Courts, this research project and the publication to Ms. Carla Kreitman, Manager, Department of Family Courts, Kentucky Administrative Office of the Courts at (502) 573-2350.

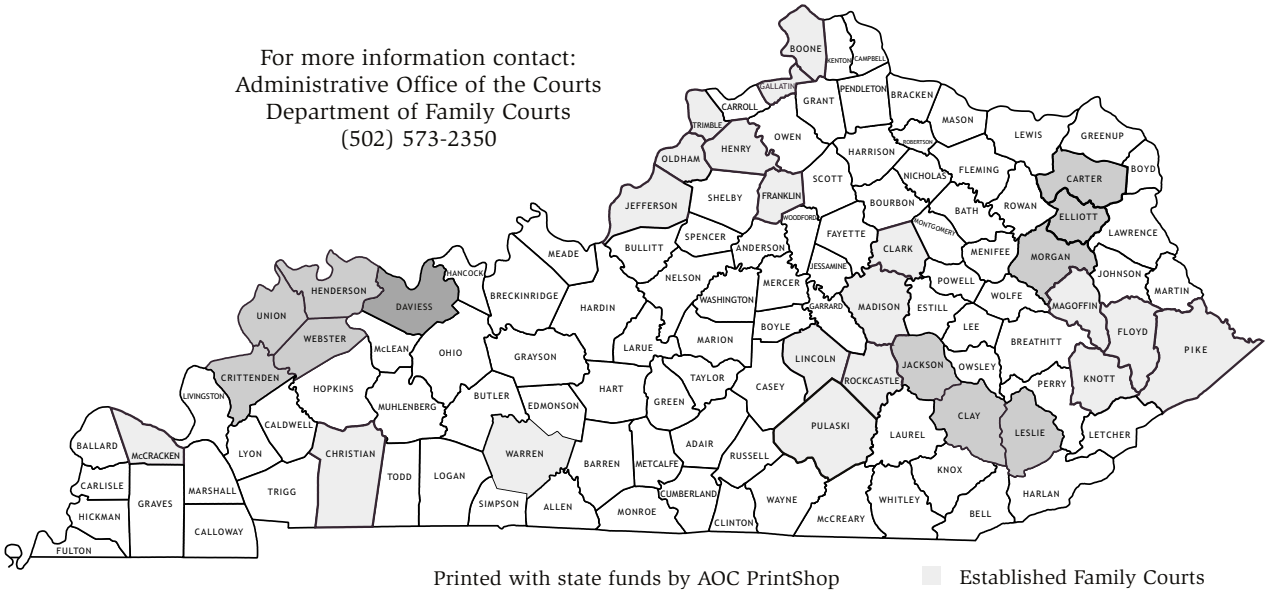
2002 Family Court Conference

The Department of Family Courts is working in conjunction with The American Academy of Matrimonial Lawyers to plan a conference for all Family Court judges and their staff, to be held in Louisville, Kentucky in early June. Many exciting events and training opportunities are planned. The conference format will include a half day orientation for the newest family courts to be implemented this spring, followed by a full day of learning for the entire group, and will end with a morning full of discipline-specific topics and tracks.

With the expected growth of Kentucky's Family Courts and the Family Court Constitutional Amendment on the 2002 general election ballot, our Department anticipates this is an event your court won't want to miss! Watch the next issue of *Family Matters* for more information and the announcement of special guests.

Kentucky Family Court Locations

For more information contact:
Administrative Office of the Courts
Department of Family Courts
(502) 573-2350



Printed with state funds by AOC PrintShop
January 2002
Reorder No. FC-7

Established Family Courts
Projected Implementation
April 2002
2003

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